

Serial No: 09/393,023 Ref No: PF200D1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Meissner et al.

Application Number: 09/393,023 Group Art Unit: 1643

Filed: September 9, 1999 Examiner: TBA

Title: Human Criptin Growth Factor Attny. Docket No. PF200D1

Declaration of Donna Dimke Under 37 C.F.R. § 1.132

Assistant Commissioner for Patents Washington, D.C. 20231

Sir:

- 1. I, Donna Dimke, hereby declare and state as follows:
- 2. I am employed by Human Genome Sciences, Inc. (HGS), Rockville, Maryland, assignee of the above-identified application, as Group Leader of Gene Discovery. The work described below was done by myself, under my supervision, or as part of a collaborative research effort with other individuals at HGS.
- 3. A sequence was derived from the cDNA clone HPTTT24 in American Type Culture Collection (ATCC) Designation No. 97142, which was disclosed in the captioned application in Figure 1 and assigned sequence identifiers SEQ ID NOs: 1-2. This cDNA clone was deposited with the ATCC on May 11, 1995, and given ATCC Designation No. 97142 (identified in Exhibit 3 as ATCC No. 97142). The originally sequenced cDNA clone, HPTTT24 (ATCC Designation No. 97142), was retrieved from the ATCC and the cDNA clone was resequenced.
- 4. The sequence data originally filed in the captioned application and the resequenced sequence data disclosed in the Substitute Sequence Listing submitted herewith were obtained by sequencing the same respective cDNA clone, HPTTT24 in ATCC Designation No. 97142.
- 5. The differences in the sequence data between that initially filed in the Sequence Listing (identified in Exhibit 1 as HPTTT24XX) and that disclosed in the Substitute Sequence Listing submitted herewith (identified in Exhibit 1 as HPTTT24XY) are shown in the sequence alignments of the polynucleotide and amino acid sequences attached hereto as Exhibit 2.

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6. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereupon.

12/8/99

Donna Dimke

Decoration 'Decoration #1': Shade (with solid black) residues that match the consensus named 'Consensus #1' exactly.

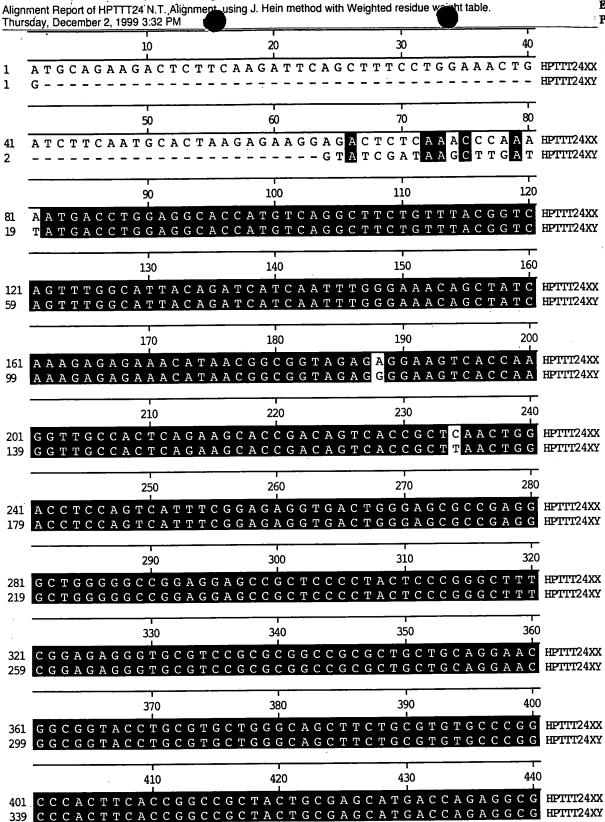
205 L PSSSGS-GAPAEGRDLGIAFNFLCCK.

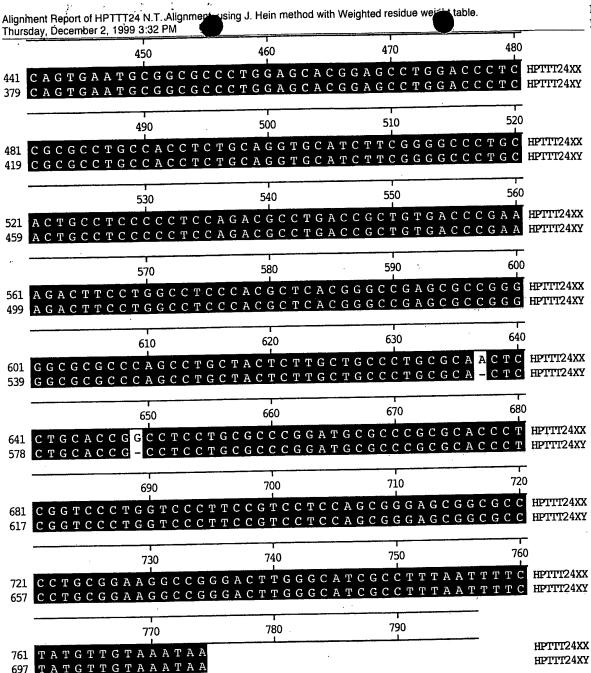
207 LQRERRPCGRPGLGHRL

xx = as filed . xy = as feorected.

HPTTT24XX A.A. Seq.

HPTTT24XY Seq.





Decoration 'Decoration #1': Shade (with solid black) residues that match the consensus named 'Consensus #1' exactly.



Type Culture Collection

12301 Parklawn Drive ● Rockville, MD 20852 USA ● Telephone: (301)231-5520 Telex: 898-055 ATCCNORTH ● FAX: 301-770-2587

BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3 AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2

To: (Name and Address of Depositor or Attorney)

Human Genome Sciences, Inc. Attention: Robert H. Benson 9410 Key West Avenue Rockville, MD 20850

Deposited on Behalf of: Human Genome Sciences, Inc.

Identification Reference by Depositor:

ATCC Designation

DNA Plasmid, 438,845 (HGS Docket PF165)

97141

DNA Plasmid, 635,860 (HGS Docket PF200)

97142

The deposits were accompanied by: _ a scientific description _ a proposed taxonomic description

The deposits were received May 11, 1995 by this International Depository Authority and have been accepted.

AT YOUR REQUEST:

We will inform you of requests for the strains for 30 years. <u>X</u>

The strains will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strains and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strain.

If the cultures should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace them with living cultures of the same.

The strains will be maintained for a period of at least 30 years after the date of deposit, and for a period of at least five years after the most recent request for a sample. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the cultures cited above was tested May 18, 1995. On that date, the cultures were viable.

International Tepository Authority: American Type Culture Collection, Rockville, Md. 20852 USA

person having authority to represent ATCC: Signature/of

Annette/L. Bade, Director, Patent Depository

Date: May 22, 1995

cc: Greg D. Ferraro